

\$120,000,000 to purchase, process, and distribute additional commodities under this section.”

Subsec. (k). Pub. L. 101-624, §1772(h)(1), struck out heading and text of subsec. (k). Text read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out this section.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Section 871(h) of Pub. L. 104-193 provided that: “The amendments made by subsection (d) [amending this section] shall become effective on October 1, 1996.”

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1772(g) of Pub. L. 101-624 effective Oct. 1, 1990, and amendment by section 1772(h)(1) of Pub. L. 101-624 effective Nov. 28, 1990, see section 1781(b)(1), (2) of Pub. L. 101-624, set out as a note under section 2012 of this title.

#### EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

### § 7516. Settlement and adjustment of claims

#### (a) In general

The Secretary or a designee of the Secretary shall have the authority to—

- (1) determine the amount of, settle, and adjust any claim arising under this chapter; and
- (2) waive such a claim if the Secretary determines that to do so will serve the purposes of this chapter.

#### (b) Litigation

Nothing contained in this section shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28 to conduct litigation on behalf of the United States.

(Pub. L. 98-8, title II, §215, as added Pub. L. 102-237, title IX, §922(b), Dec. 13, 1991, 105 Stat. 1888.)

#### EFFECTIVE DATE

Section effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102-237, set out as an Effective Date of 1991 Amendment note under section 1421 of this title.

### CHAPTER 103—AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM

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## § 7601. Definitions

In this Act:

## (1) 1862 Institution

The term “1862 Institution” means a college or university eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.).

## (2) 1890 Institution

The term “1890 Institution” means a college or university eligible to receive funds under the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University.

## (3) 1994 Institution

The term “1994 Institution” means 1 of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note)) (as amended by section 251(a)).

## (4) Advisory Board

The term “Advisory Board” means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 3123 of this title.

## (5) Department

The term “Department” means the Department of Agriculture.

## (6) Secretary

The term “Secretary” means the Secretary of Agriculture.

(Pub. L. 105-185, § 2, June 23, 1998, 112 Stat. 525.)

## REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 105-185, June 23, 1998, 112 Stat. 523, as amended, known as the Agricultural Research, Extension, and Education Reform Act of 1998. For complete classification of this Act to the Code, see Short Title note below and Tables.

Act of July 2, 1862, referred to in par. (1), is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, popularly known as the First Morrill Act, which is classified generally to subchapter I (§301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this title and Tables.

Act of August 30, 1890, referred to in par. (2), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

Section 251(a), referred to in par. (3), is section 251(a) of Pub. L. 105-185.

## SHORT TITLE

Pub. L. 105-185, §1(a), June 23, 1998, 112 Stat. 523, provided that: “This Act [see Tables for classification] may be cited as the ‘Agricultural Research, Extension, and Education Reform Act of 1998’.”

## SUBCHAPTER I—PRIORITIES, SCOPE, REVIEW, AND COORDINATION OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

## § 7611. Standards for Federal funding of agricultural research, extension, and education

## (a) In general

The Secretary shall ensure that agricultural research, extension, or education activities de-

scribed in subsection (b) of this section address a concern that—

- (1) is a priority, as determined under section 7612(a) of this title; and
- (2) has national, multistate, or regional significance.

**(b) Application**

Subsection (a) of this section applies to—

- (1) research activities conducted by the Agricultural Research Service; and
- (2) research, extension, or education activities administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

(Pub. L. 105–185, title I, §101, June 23, 1998, 112 Stat. 526.)

**§ 7612. Priority setting process**

**(a) Establishment**

Consistent with section 3101 of this title, the Secretary shall establish priorities for agricultural research, extension, and education activities conducted or funded by the Department.

**(b) Responsibilities of Secretary**

In establishing priorities for agricultural research, extension, and education activities conducted or funded by the Department, the Secretary shall solicit and consider input and recommendations from persons who conduct or use agricultural research, extension, or education.

**(c) Responsibilities of 1862, 1890, and 1994 Institutions**

**(1) Process**

Effective October 1, 1999, to obtain agricultural research, extension, or education formula funds from the Secretary, each 1862 Institution, 1890 Institution, and 1994 Institution shall establish and implement a process for obtaining input from persons who conduct or use agricultural research, extension, or education concerning the use of the funds.

**(2) Regulations**

The Secretary shall promulgate regulations that prescribe—

- (A) the requirements for an institution referred to in paragraph (1) to comply with paragraph (1); and
- (B) the consequences for an institution of not complying with paragraph (1), which may include the withholding or redistribution of funds to which the institution may be entitled until the institution complies with paragraph (1).

**(d) Management principles**

To the maximum extent practicable, the Secretary shall ensure that federally supported and conducted agricultural research, extension, and education activities are accomplished in a manner that—

- (1) integrates agricultural research, extension, and education functions to better link research to technology transfer and information dissemination activities;
- (2) encourages regional and multistate programs to address relevant issues of common concern and to better leverage scarce resources; and

(3) achieves agricultural research, extension, and education objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives.

(Pub. L. 105–185, title I, §102, June 23, 1998, 112 Stat. 526.)

**§ 7613. Relevance and merit of agricultural research, extension, and education funded by the Department**

**(a) Review of Cooperative State Research, Education, and Extension Service**

**(1) Peer review of research grants**

The Secretary shall establish procedures that provide for scientific peer review of each agricultural research grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service of the Department.

**(2) Merit review of extension and education grants**

**(A) Establishment of procedures**

The Secretary shall establish procedures that provide for merit review of each agricultural extension or education grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service.

**(B) Consultation with Advisory Board**

The Secretary shall consult with the Advisory Board in establishing the merit review procedures.

**(b) Advisory Board review**

On an annual basis, the Advisory Board shall review—

- (1) the relevance to the priorities established under section 7612(a) of this title of the funding of all agricultural research, extension, or education activities conducted or funded by the Department; and
- (2) the adequacy of the funding.

**(c) Requests for proposals**

**(1) Review results**

As soon as practicable after the review is conducted under subsection (b) of this section for a fiscal year, the Secretary shall consider the results of the review when formulating each request for proposals, and evaluating proposals, involving an agricultural research, extension, or education activity funded, on a competitive basis, by the Department.

**(2) Input**

In formulating a request for proposals described in paragraph (1) for a fiscal year, the Secretary shall solicit and consider input from persons who conduct or use agricultural research, extension, or education regarding the prior year's request for proposals.

**(d) Scientific peer review of agricultural research**

**(1) Peer review procedures**

The Secretary shall establish procedures that ensure scientific peer review of all re-

search activities conducted by the Department.

**(2) Review panel required**

As part of the procedures established under paragraph (1), a review panel shall verify, at least once every 5 years, that each research activity of the Department and research conducted under each research program of the Department has scientific merit and relevance.

**(3) Mission area**

If the research activity or program to be reviewed is included in the research, educational, and economics mission area of the Department, the review panel shall consider—

- (A) the scientific merit and relevance of the activity or research in light of the priorities established pursuant to section 7612 of this title; and
- (B) the national or multistate significance of the activity or research.

**(4) Composition of review panel**

**(A) In general**

A review panel shall be composed of individuals with scientific expertise, a majority of whom are not employees of the agency whose research is being reviewed.

**(B) Scientists from colleges and universities**

To the maximum extent practicable, the Secretary shall use scientists from colleges and universities to serve on the review panels.

**(5) Submission of results**

The results of the panel reviews shall be submitted to the Advisory Board.

**(e) Merit review**

**(1) 1862 and 1890 Institutions**

Effective October 1, 1999, to be eligible to obtain agricultural research or extension funds from the Secretary for an activity, each 1862 Institution and 1890 Institution shall—

- (A) establish a process for merit review of the activity; and
- (B) review the activity in accordance with the process.

**(2) 1994 Institutions**

Effective October 1, 1999, to be eligible to obtain agricultural extension funds from the Secretary for an activity, each 1994 Institution shall—

- (A) establish a process for merit review of the activity; and
- (B) review the activity in accordance with the process.

(Pub. L. 105–185, title I, § 103, June 23, 1998, 112 Stat. 527.)

CODIFICATION

Section is comprised of section 103 of Pub. L. 105–185. Subsec. (f) of section 103 of Pub. L. 105–185 amended sections 361g, 3221, and 3222 of this title and repealed sections 346 and 3314 of this title.

SUBCHAPTER II—NEW AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

**§ 7621. Initiative for Future Agriculture and Food Systems**

**(a) Treasury account**

There is established in the Treasury of the United States an account to be known as the Initiative for Future Agriculture and Food Systems (referred to in this section as the “Account”) to provide funds for activities authorized under this section.

**(b) Funding**

**(1) In general**

On October 1, 1998, and each October 1 thereafter through October 1, 2001<sup>1</sup>, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer \$120,000,000 to the Account.

**(2) Entitlement**

The Secretary of Agriculture—

- (A) shall be entitled to receive the funds transferred to the Account under paragraph (1);
- (B) shall accept the funds; and
- (C) shall use the funds to carry out this section.

**(3) Other funding**

Out of funds in the Commodity Credit Corporation, the Secretary shall transfer to the Account—

- (A) on October 1, 2003, \$120,000,000;
- (B) on October 1, 2004, \$140,000,000;
- (C) on October 1, 2005, \$160,000,000; and
- (D) on October 1, 2006, and each October 1 thereafter, \$200,000,000.

**(c) Purposes**

**(1) Critical emerging agricultural and rural issues**

The Secretary shall use the funds in the Account for research, extension, and education grants (referred to in this section as “grants”) to address critical emerging agricultural and rural issues related to—

- (A) future food production;
- (B) environmental quality and natural resource management;
- (C) farm income; or
- (D) rural economic and business and community development policy.

**(2) Priority mission areas**

In making grants under this section, the Secretary, in consultation with the Advisory Board, shall address priority mission areas related to—

- (A) agricultural genome;
- (B) food safety, food technology, and human nutrition;
- (C) new and alternative uses and production of agricultural commodities and products;
- (D) agricultural biotechnology;
- (E) natural resource management, including precision agriculture; and

<sup>1</sup> So in original. Probably should be “2007”.

(F) farm efficiency and profitability, including the viability and competitiveness of small- and medium-sized dairy, livestock, crop, and other commodity operations.

**(d) Eligible grantees**

The Secretary may make a grant under this section to—

- (1) a Federal research agency;
- (2) a national laboratory;
- (3) a college or university or a research foundation maintained by a college or university;
- (4) a private research organization with an established and demonstrated capacity to perform research or technology transfer; or
- (5) a State agricultural experiment station.

**(e) Special considerations**

**(1) Smaller institutions**

The Secretary may award grants under this section in a manner that ensures that the faculty of small, mid-sized, and minority-serving institutions that have not previously been successful in obtaining competitive grants under subsection (b) of section 450i of this title receive a portion of the grants under this section.

**(2) Priorities**

In making grants under this section, the Secretary shall provide a higher priority to—

- (A) a project that is multistate, multi-institutional, or multidisciplinary; or
- (B) a project that integrates agricultural research, extension, and education.

**(f) Administration**

**(1) In general**

In making grants under this section, the Secretary shall—

- (A) seek and accept proposals for grants;
- (B) determine the relevance and merit of proposals through a system of peer review in accordance with section 7613 of this title;
- (C) award grants on the basis of merit, quality, and relevance to advancing the purposes and priority mission areas established under subsection (c) of this section; and
- (D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 7612(b) of this title.

**(2) Competitive basis**

A grant under this section shall be awarded on a competitive basis.

**(3) Term**

A grant under this section shall have a term that does not exceed 5 years.

**(4) Matching funds**

As a condition of making a grant under this section, the Secretary shall require the funding of the grant be matched with equal matching funds from a non-Federal source if the grant is—

- (A) for applied research that is commodity-specific; and
- (B) not of national scope.

**(5) Delegation**

The Secretary shall administer this section through the Cooperative State Research, Edu-

cation, and Extension Service of the Department. The Secretary may establish 1 or more institutes to carry out all or part of the activities authorized under this section.

**(6) Availability of funds**

Funds for grants under this section shall be available to the Secretary for obligation for a 2-year period.

**(7) Administrative costs**

The Secretary may use not more than 4 percent of the funds made available for grants under this section for administrative costs incurred by the Secretary in carrying out this section.

**(8) Buildings and facilities**

Funds made available for grants under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(Pub. L. 105-185, title IV, § 401, June 23, 1998, 112 Stat. 564; Pub. L. 105-277, div. A, § 101(a) [title VII, § 753(c)(2)], Oct. 21, 1998, 112 Stat. 2681, 2681-33; Pub. L. 107-171, title VII, § 7205(a), May 13, 2002, 116 Stat. 439.)

AMENDMENTS

2002—Subsec. (b)(1). Pub. L. 107-171, § 7205(a)(1), substituted “2001” for “2002”.

Subsec. (b)(3). Pub. L. 107-171, § 7205(a)(2), added par. (3).

Subsec. (c)(1). Pub. L. 107-171, § 7205(a)(2), which directed amendment of section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 by amending subsec. (c)(1) generally, was executed by generally amending subsec. (c)(1) of this section to reflect the probable intent of Congress. Prior to amendment, text read as follows: “The Secretary shall use the funds in the Account—

“(A) subject to paragraph (2), for research, extension, and education grants (referred to in this section as ‘grants’) to address critical emerging agricultural issues related to—

“(i) future food production;

“(ii) environmental quality and natural resource management; or

“(iii) farm income; and

“(B) for activities carried out under the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).”

Subsec. (e)(1). Pub. L. 107-171, § 7205(a)(3), which directed amendment of section 401(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 by substituting “small, mid-sized, and minority-serving” for “small and mid-sized” in subsec. (e)(1), was executed by making the substitution in subsec. (e)(1) of this section to reflect the probable intent of Congress.

1998—Subsec. (d)(5). Pub. L. 105-277 added par. (5).

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective June 23, 1998, see section 101(a) [title VII, § 753(f)] of Pub. L. 105-277, set out as a note under section 343 of this title.

**§ 7622. Partnerships for high-value agricultural product quality research**

**(a) “Eligible partnership” defined**

In this section, the term “eligible partnership” means a partnership consisting of a land-grant college or university and other entities specified in subsection (c)(1) of this section that

satisfies the eligibility criteria specified in subsection (c) of this section.

**(b) Establishment of partnerships by grant**

The Secretary of Agriculture may make competitive grants to an eligible partnership to coordinate and manage research and extension activities to enhance the quality of high-value agricultural products.

**(c) Criteria for an eligible partnership**

**(1) Primary institutions in partnership**

The primary institution involved in an eligible partnership shall be a land-grant college or university, acting in partnership with other colleges or universities, nonprofit research and development entities, and Federal laboratories.

**(2) Prioritization of research activities**

An eligible partnership shall prioritize research and extension activities in order to—

- (A) enhance the competitiveness of United States agricultural products;
- (B) increase exports of such products; and
- (C) substitute such products for imported products.

**(3) Coordination**

An eligible partnership shall coordinate among the entities comprising the partnership the activities supported by the eligible partnership, including the provision of mechanisms for sharing resources between institutions and laboratories and the coordination of public and private sector partners to maximize cost-effectiveness.

**(d) Types of research and extension activities**

Research or extension supported by an eligible partnership may address the full spectrum of production, processing, packaging, transportation, and marketing issues related to a high-value agricultural product. Such issues include—

- (1) environmentally responsible—
  - (A) pest management alternatives and biotechnology;
  - (B) sustainable farming methods; and
  - (C) soil conservation and enhanced resource management;
- (2) genetic research to develop improved agricultural-based products;
- (3) refinement of field production practices and technology to improve quality, yield, and production efficiencies;
- (4) processing and package technology to improve product quality, stability, or flavor intensity;
- (5) marketing research regarding consumer perceptions and preferences;
- (6) economic research, including industry characteristics, growth, and competitive analysis; and
- (7) research to facilitate diversified, value-added enterprises in rural areas.

**(e) Elements of grant making process**

**(1) Period of grant**

The Secretary may award a grant under this section for a period not to exceed 5 years.

**(2) Preferences**

In making grants under this section, the Secretary shall provide a preference to proposals that—

- (A) demonstrate linkages with—
  - (i) agencies of the Department;
  - (ii) other related Federal research laboratories and agencies;
  - (iii) colleges and universities; and
  - (iv) private industry; and
- (B) guarantee matching funds in excess of the amounts required by paragraph (3).

**(3) Matching funds**

An eligible partnership shall contribute an amount of non-Federal funds for the operation of the partnership that is at least equal to the amount of grant funds received by the partnership under this section.

**(f) Limitation on use of grant funds**

Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

**(g) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2007.

(Pub. L. 105–185, title IV, § 402, June 23, 1998, 112 Stat. 566; Pub. L. 107–171, title VII, § 7123, May 13, 2002, 116 Stat. 434.)

AMENDMENTS

2002—Subsec. (g). Pub. L. 107–171 substituted “2007” for “2002”.

**§ 7623. Precision agriculture**

**(a) Definitions**

In this section:

**(1) Agricultural inputs**

The term “agricultural inputs” includes all farm management, agronomic, and field-applied agricultural production inputs, such as machinery, labor, time, fuel, irrigation water, commercial nutrients, feed stuffs, veterinary drugs and vaccines, livestock waste, crop protection chemicals, agronomic data and information, application and management services, seed, and other inputs used in agricultural production.

**(2) Eligible entity**

The term “eligible entity” means—

- (A) a State agricultural experiment station;
- (B) a college or university;
- (C) a research institution or organization;
- (D) a Federal or State government entity or agency;
- (E) a national laboratory;
- (F) a private organization or corporation;
- (G) an agricultural producer or other land manager; or
- (H) a precision agriculture partnership referred to in subsection (g) of this section.

**(3) Precision agriculture**

The term “precision agriculture” means an integrated information- and production-based farming system that is designed to increase long-term, site-specific, and whole farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment by—

(A) combining agricultural sciences, agricultural inputs and practices, agronomic production databases, and precision agriculture technologies to efficiently manage agronomic, horticultural, and livestock production systems;

(B) gathering on-farm information pertaining to the variation and interaction of site-specific spatial and temporal factors affecting crop and livestock production;

(C) integrating such information with appropriate data derived from field scouting, remote sensing, and other precision agriculture technologies in a timely manner in order to facilitate on-farm decisionmaking;

(D) using such information to prescribe and deliver site-specific application of agricultural inputs and management practices in agricultural production systems; or

(E) using such information to enable intelligent mechanized harvesting and sorting systems for horticultural crops.

#### **(4) Precision agriculture technologies**

The term “precision agriculture technologies” includes—

(A) instrumentation and techniques ranging from sophisticated sensors and software systems to manual sampling and data collection tools that measure, record, and manage spatial and temporal data;

(B) technologies for searching out and assembling information necessary for sound agricultural production decisionmaking;

(C) open systems technologies for data networking and processing that produce valued systems for farm management decisionmaking;

(D) machines that deliver information-based management practices; or

(E) robotic and other intelligent machines for use in horticultural cropping systems.

#### **(5) Systems research**

The term “systems research” means an integrated, coordinated, and iterative investigative process that involves—

(A) the multiple interacting components and aspects of precision agriculture systems, including synthesis of new knowledge regarding the physical-chemical-biological processes and complex interactions of the systems with cropping, livestock production practices, and natural resource systems;

(B) precision agriculture technologies development and implementation;

(C) data and information collection and interpretation;

(D) production-scale planning;

(E) production-scale implementation; and

(F) farm production efficiencies (including improved use of energy inputs), productivity, and profitability.

#### **(b) Grants authorized**

##### **(1) In general**

The Secretary of Agriculture may make competitive grants, for periods not to exceed 5 years, to eligible entities to conduct research, education, or information dissemination projects for the development and advancement of precision agriculture.

#### **(2) Private sector financing**

A grant under this section shall be used to support only a project that the Secretary determines is unlikely to be financed by the private sector.

#### **(3) Consultation with Advisory Board**

The Secretary shall make grants under this section in consultation with the Advisory Board.

#### **(c) Purposes of projects**

A research, education, or information dissemination project supported by a grant under this section shall address 1 or more of the following purposes:

(1) The study and promotion of components of precision agriculture technologies using a systems research approach designed to increase long-term site-specific and whole-farm production efficiencies, productivity, and profitability.

(2) The improvement in the understanding of agronomic or horticultural systems, including, soil, water, land cover (including grazing land), pest management systems, product variability, and meteorological variability.

(3) The provision of training and educational programs for State cooperative extension services agents, and other professionals involved in the production and transfer of integrated precision agriculture technology.

(4) The development, demonstration, and dissemination of information regarding precision agriculture technologies and systems and the potential costs and benefits of precision agriculture as it relates to—

(A) increased long-term farm production efficiencies, productivity, and profitability;

(B) the maintenance of the environment;

(C) improvements in international trade; and

(D) an integrated program of education for agricultural producers and consumers, including family owned and operated farms.

(5) The promotion of systems research and education projects focusing on the integration of the multiple aspects of precision agriculture, including development, production-scale implementation, and farm production efficiencies, productivity, and profitability.

(6) The study of whether precision agriculture technologies are applicable and accessible to small and medium-size farms and the study of methods of improving the applicability of precision agriculture technologies to those farms.

#### **(d) Grant priorities**

In making grants to eligible entities under this section, the Secretary, in consultation with the Advisory Board, shall give priority to research, education, or information dissemination projects designed to accomplish the following:

(1) Evaluate the use of precision agriculture technologies using a systems research approach to increase long-term site-specific and whole-farm production efficiencies, productivity, and profitability.

(2) Integrate research, education, and information dissemination components in a prac-

tical and readily available manner so that the findings of the project will be made readily usable by agricultural producers.

(3) Demonstrate the efficient use of agricultural inputs, rather than the uniform reduction in the use of agricultural inputs.

(4) Improve farm energy use efficiencies.

(5) Maximize the involvement and cooperation of precision agriculture producers, certified crop advisers, State cooperative extension services agents, agricultural input machinery, product and service providers, non-profit organizations, agribusinesses, veterinarians, land-grant colleges and universities, and Federal agencies in precision agriculture systems research projects involving on-farm research, education, and dissemination of precision agriculture information.

(6) Maximize collaboration with multiple agencies and other partners, including through leveraging of funds and resources.

**(e) Matching funds**

The amount of a grant under this section to an eligible entity (other than a Federal agency) may not exceed the amount that the eligible entity makes available out of non-Federal funds for precision agriculture research and for the establishment and maintenance of facilities necessary for conducting precision agriculture research.

**(f) Reservation of funds for education and information dissemination projects**

Of the funds made available for grants under this section, the Secretary shall reserve a portion of the funds for grants for projects regarding precision agriculture related to education or information dissemination.

**(g) Precision agriculture partnerships**

In carrying out this section, the Secretary, in consultation with the Advisory Board, shall encourage the establishment of appropriate multi-state and national partnerships or consortia between—

(1) land-grant colleges and universities, State agricultural experiment stations, State cooperative extension services, other colleges and universities with demonstrable expertise regarding precision agriculture, agencies of the Department, national laboratories, agribusinesses, agricultural equipment and input manufacturers and retailers, certified crop advisers, commodity organizations, veterinarians, other Federal or State government entities and agencies, or nonagricultural industries and nonprofit organizations with demonstrable expertise regarding precision agriculture; and

(2) agricultural producers or other land managers.

**(h) Limitation regarding facilities**

A grant made under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

**(i) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated such sums as are necessary to carry out this section

for each of fiscal years 1999 through 2007, of which, for each fiscal year—

(A) not less than 30 percent shall be available to make grants for research to be conducted by multidisciplinary teams; and

(B) not less than 40 percent shall be available to make grants for research to be conducted by eligible entities conducting systems research directly applicable to producers and agricultural production systems.

**(2) Availability of funds**

Funds made available under paragraph (1) shall be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are made available.

(Pub. L. 105–185, title IV, § 403, June 23, 1998, 112 Stat. 567; Pub. L. 107–171, title VII, §§ 7129, 7207(a), May 13, 2002, 116 Stat. 435, 440.)

AMENDMENTS

2002—Subsec. (a)(3)(A). Pub. L. 107–171, § 7207(a)(1)(A)(i), inserted “, horticultural,” after “efficiently manage agronomic”.

Subsec. (a)(3)(E). Pub. L. 107–171, § 7207(a)(1)(A)(ii)–(iv), added subpar. (E).

Subsec. (a)(4)(E). Pub. L. 107–171, § 7207(a)(1)(B), added subpar. (E).

Subsec. (a)(5)(F). Pub. L. 107–171, § 7207(a)(1)(C), inserted “(including improved use of energy inputs)” after “farm production efficiencies”.

Subsec. (c)(2). Pub. L. 107–171, § 7207(a)(2), inserted “or horticultural” after “agronomic” and “product variability,” before “and meteorological variability”.

Subsec. (d)(4) to (6). Pub. L. 107–171, § 7207(a)(3), added par. (4) and redesignated former pars. (4) and (5) as (5) and (6), respectively.

Subsec. (i)(1). Pub. L. 107–171, § 7129, substituted “2007” for “2002” in introductory provisions.

**§ 7624. Biobased products**

**(a) “Biobased product” defined**

In this section, the term “biobased product” means a product suitable for food or nonfood use that is derived in whole or in part from renewable agricultural and forestry materials.

**(b) Coordination of biobased product activities**

The Secretary of Agriculture shall—

(1) coordinate the research, technical expertise, economic information, and market information resources and activities of the Department to develop, commercialize, and promote the use of biobased products;

(2) solicit input from private sector persons who produce, or are interested in producing, biobased products;

(3) provide a centralized contact point for advice and technical assistance for promising and innovative biobased products; and

(4) submit an annual report to Congress describing the coordinated research, marketing, and commercialization activities of the Department relating to biobased products.

**(c) Cooperative agreements for biobased products**

**(1) Agreements authorized**

The Secretary may enter into cooperative agreements with private entities described in subsection (d) of this section, under which the facilities and technical expertise of the Agricultural Research Service may be made avail-



able to operate pilot plants and other large-scale preparation facilities for the purpose of bringing technologies necessary for the development and commercialization of new biobased products to the point of practical application.

**(2) Description of cooperative activities**

Cooperative activities may include—

- (A) research on potential environmental impacts of a biobased product;
- (B) methods to reduce the cost of manufacturing a biobased product; and
- (C) other appropriate research.

**(d) Eligible partners**

The following entities shall be eligible to enter into a cooperative agreement under subsection (c) of this section:

- (1) A party that has entered into a cooperative research and development agreement with the Secretary under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).
- (2) A recipient of funding from the Biotechnology Research and Development Corporation.
- (3) A recipient of funding from the Secretary under a Small Business Innovation Research Program established under section 638 of title 15.

**(e) Pilot project**

The Secretary, acting through the Agricultural Research Service, may establish and carry out a pilot project under which grants are provided, on a competitive basis, to scientists of the Agricultural Research Service to—

- (1) encourage innovative and collaborative science; and
- (2) during each of fiscal years 1999 through 2007, develop biobased products with promising commercial potential.

**(f) Source of funds**

**(1) In general**

Except as provided in paragraph (2), to carry out this section, the Secretary may use—

- (A) funds appropriated to carry out this section; and
- (B) funds otherwise available for cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

**(2) Exception**

The Secretary may not use funds referred to in paragraph (1)(B) to carry out subsection (e) of this section.

**(g) Sale of developed products**

For the purpose of determining the market potential for new biobased products produced at a pilot plant or other large-scale preparation facility under a cooperative agreement under this section, the Secretary shall authorize the private partner or partners to the agreement to sell the products.

**(h) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2007.

(Pub. L. 105–185, title IV, §404, June 23, 1998, 112 Stat. 570; Pub. L. 107–171, title VI, §6201(d)(4), title VII, §7124, May 13, 2002, 116 Stat. 419, 434.)

REFERENCES IN TEXT

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (f)(1)(B), is Pub. L. 96–480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

2002—Subsec. (d)(2) to (4). Pub. L. 107–171, §6201(d)(4), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: “A recipient of funding from the Alternative Agricultural Research and Commercialization Corporation established under section 5902 of this title.”

Subsec. (e)(2). Pub. L. 107–171, §7124(a), substituted “2007” for “2001”.

Subsec. (h). Pub. L. 107–171, §7124(b), substituted “2007” for “2002”.

EX. ORD. NO. 13134, DEVELOPING AND PROMOTING BIOBASED PRODUCTS AND BIOENERGY

Ex. Ord. No. 13134, Aug. 12, 1999, 64 F.R. 44639, as amended, was transferred and is set out as a note under section 8101 of this title.

**§ 7625. Thomas Jefferson Initiative for Crop Diversification**

**(a) Initiative required**

The Secretary of Agriculture shall provide for a research initiative (to be known as the “Thomas Jefferson Initiative for Crop Diversification”) for the purpose of conducting research and development, in cooperation with other public and private entities, on the production, marketing, and efficient use of new and nontraditional crops needed to strengthen and diversify the agricultural production base of the United States.

**(b) Research and education efforts**

The initiative shall include research and education efforts regarding new and nontraditional crops designed—

- (1) to identify and overcome agronomic barriers to profitable production;
- (2) to identify and overcome other production and marketing barriers; and
- (3) to develop processing and utilization technologies for new and nontraditional crops.

**(c) Purposes**

The purposes of the initiative are—

- (1) to develop a focused program of research and development at the regional and national levels to overcome barriers to the development of—

- (A) new crop opportunities for agricultural producers; and
- (B) related value-added enterprises in rural communities; and

- (2) to ensure a broad-based effort encompassing research, education, market development, and support of entrepreneurial activity leading to increased agricultural diversification.

**(d) Establishment of initiative**

The Secretary shall coordinate the initiative through a nonprofit center or institute that will

coordinate research and education programs in cooperation with other public and private entities. The Secretary shall administer research and education grants made under this section.

**(e) Regional emphasis**

**(1) Required**

The Secretary shall support development of multistate regional efforts in crop diversification.

**(2) Site-specific crop development efforts**

Of funding made available to carry out the initiative, not less than 50 percent shall be used for regional efforts centered at colleges and universities in order to facilitate site-specific crop development efforts.

**(f) Eligible grantee**

The Secretary may award funds under this section to colleges or universities, nonprofit organizations, public agencies, or individuals.

**(g) Administration**

**(1) Grants and contracts**

Grants awarded through the initiative shall be selected on a competitive basis.

**(2) Private businesses**

The recipient of a grant may use a portion of the grant funds for standard contracts with private businesses, such as for test processing of a new or nontraditional crop.

**(3) Terms**

The term of a grant awarded through the initiative may not exceed 5 years.

**(4) Matching funds**

The Secretary shall require the recipient of a grant awarded through the initiative to contribute an amount of funds from non-Federal sources that is at least equal to the amount provided by the Federal Government.

**(h) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2007.

(Pub. L. 105–185, title IV, § 405, June 23, 1998, 112 Stat. 572; Pub. L. 107–171, title VII, §§ 7130, 7207(b), May 13, 2002, 116 Stat. 435, 440.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–171, § 7207(b), substituted “production, marketing, and efficient use” for “production and marketing”.

Subsec. (h). Pub. L. 107–171, § 7130, substituted “2007” for “2002”.

**§ 7626. Integrated research, education, and extension competitive grants program**

**(a) Purpose**

It is the purpose of this section to authorize the Secretary of Agriculture to establish an integrated research, education, and extension competitive grant program to provide funding for integrated, multifunctional agricultural research, extension, and education activities.

**(b) Competitive grants authorized**

Subject to the availability of appropriations to carry out this section, the Secretary may

award grants to colleges and universities (as defined in section 3103 of this title) and 1994 Institutions on a competitive basis for integrated agricultural research, education, and extension projects in accordance with this section.

**(c) Criteria for grants**

Grants under this section shall be awarded to address priorities in United States agriculture, determined by the Secretary in consultation with the Advisory Board, that involve integrated research, extension, and education activities.

**(d) Matching of funds**

**(1) General requirement**

If a grant under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient of the grant to provide funds or in-kind support to match the amount of funds provided by the Secretary in the grant.

**(2) Waiver**

The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a grant if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

**(e) Term of grant**

A grant under this section shall have a term of not more than 5 years.

**(f) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2007.

(Pub. L. 105–185, title IV, § 406, June 23, 1998, 112 Stat. 573; Pub. L. 107–171, title VII, §§ 7125, 7206, May 13, 2002, 116 Stat. 434, 439.)

AMENDMENTS

2002—Subsec. (b). Pub. L. 107–171, § 7206, inserted “and 1994 Institutions” before “on a competitive basis”.

Subsec. (e). Pub. L. 107–171, § 7125(1), (2), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 107–171, § 7125(1), (3), redesignated subsec. (e) as (f) and substituted “2007” for “2002”.

**§ 7627. Coordinated program of research, extension, and education to improve viability of small and medium size dairy, livestock, and poultry operations**

**(a) Program authorized**

The Secretary of Agriculture may carry out a coordinated program of research, extension, and education to improve the competitiveness, viability, and sustainability of small and medium size dairy, livestock, and poultry operations (referred to in this section as “operations”).

**(b) Components**

To the extent the Secretary elects to carry out the program, the Secretary shall conduct—

(1) research, development, and on-farm extension and education concerning low-cost production facilities and practices, management systems, and genetics that are appropriate for the operations;

(2) in the case of dairy and livestock operations, research and extension on management-intensive grazing systems for dairy and livestock production to realize the potential for reduced capital and feed costs through greater use of management skills, labor availability optimization, and the natural benefits of grazing pastures;

(3) research and extension on integrated crop and livestock or poultry systems that increase efficiencies (including improved use of energy inputs), reduce costs, and prevent environmental pollution to strengthen the competitive position of the operations;

(4) economic analyses and market feasibility studies to identify new and expanded opportunities for producers on the operations that provide tools and strategies to meet consumer demand in domestic and international markets, such as cooperative marketing and value-added strategies for milk, meat, and poultry production and processing; and

(5) technology assessment that compares the technological resources of large specialized producers with the technological needs of producers on the operations to identify and transfer existing technology across all sizes and scales and to identify the specific research and education needs of the producers.

#### (c) Administration

The Secretary may use the funds, facilities, and technical expertise of the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service and other funds available to the Secretary (other than funds of the Commodity Credit Corporation) to carry out this section.

(Pub. L. 105-185, title IV, §407, June 23, 1998, 112 Stat. 573; Pub. L. 107-171, title VII, §7207(c), May 13, 2002, 116 Stat. 440.)

#### AMENDMENTS

2002—Subsec. (b)(3). Pub. L. 107-171 inserted “(including improved use of energy inputs)” after “poultry systems that increase efficiencies”.

### § 7628. Support for research regarding diseases of wheat, triticale, and barley caused by *Fusarium graminearum* or by *Tilletia indica*

#### (a) Research grant authorized

The Secretary of Agriculture may make grants to consortia of land-grant colleges and universities to enhance the ability of the consortia to carry out multi-State research projects aimed at understanding and combating diseases of wheat, triticale, and barley caused by *Fusarium graminearum* and related fungi (referred to in this section as “wheat scab”) or by *Tilletia indica* and related fungi (referred to in this section as “Karnal bunt”).

#### (b) Research components

Funds provided under this section shall be available for the following collaborative, multi-State research activities:

(1) Identification and understanding of the epidemiology of wheat scab or of Karnal bunt, and the toxicological properties of vomitoxin, a toxic metabolite commonly occurring in wheat, triticale, and barley infected with wheat scab.

(2) Development of crop management strategies to reduce the risk of wheat scab or Karnal bunt occurrence.

(3) Development of—

(A) efficient and accurate methods to monitor wheat, triticale, and barley for the presence of Karnal bunt or of wheat scab and resulting vomitoxin contamination;

(B) post-harvest management techniques for wheat, triticale, and barley infected with wheat scab or with Karnal bunt; and

(C) milling and food processing techniques to render wheat scab contaminated grain safe.

(4) Strengthening and expansion of plant-breeding activities to enhance the resistance of wheat, triticale, and barley to wheat scab and to Karnal bunt, including the establishment of a regional advanced breeding material evaluation nursery and a germplasm introduction and evaluation system.

(5) Development and deployment of alternative fungicide application systems and formulations to control wheat scab and Karnal bunt and consideration of other chemical control strategies to assist farmers until new more resistant wheat, triticale, and barley varieties are available.

#### (c) Communications networks

Funds provided under this section shall be available for efforts to concentrate, integrate, and disseminate research, extension, and outreach-orientated information regarding wheat scab or Karnal bunt.

#### (d) Management

To oversee the use of a grant made under this section, the Secretary may establish a committee composed of the directors of the agricultural experiment stations in the States in which land-grant colleges and universities that are members of the consortium are located.

#### (e) Authorization of appropriations

There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999 through 2007.

(Pub. L. 105-185, title IV, §408, June 23, 1998, 112 Stat. 574; Pub. L. 107-171, title VII, §§7131, 7207(d)(1)–(4)(A), May 13, 2002, 116 Stat. 435, 440, 441.)

#### AMENDMENTS

2002—Pub. L. 107-171, §7207(d)(4)(A), substituted “, triticale, and barley caused by *Fusarium graminearum* or by *Tilletia indica*” for “and barley caused by *Fusarium graminearum*” in section catchline.

Subsec. (a). Pub. L. 107-171, §7207(d)(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The Secretary of Agriculture may make a grant to a consortium of land-grant colleges and universities to enhance the ability of the consortium to carry out a multi-State research project aimed at understanding and combating diseases of wheat and barley caused by *Fu-*”

sarium graminearum and related fungi (referred to in this section as ‘wheat scab’).’’

Subsec. (b)(1). Pub. L. 107–171, § 7207(d)(2)(A), (B), inserted ‘‘or of Karnal bunt,’’ after ‘‘epidemiology of wheat scab’’ and ‘‘, triticale,’’ after ‘‘occurring in wheat’’.

Subsec. (b)(2). Pub. L. 107–171, § 7207(d)(2)(C), inserted ‘‘or Karnal bunt’’ after ‘‘wheat scab’’.

Subsec. (b)(3)(A). Pub. L. 107–171, § 7207(d)(2)(D), substituted ‘‘, triticale, and barley for the presence of Karnal bunt or of’’ for ‘‘and barley for the presence of’’.

Subsec. (b)(3)(B). Pub. L. 107–171, § 7207(d)(2)(E), substituted ‘‘, triticale, and barley infected with wheat scab or with Karnal bunt’’ for ‘‘and barley infected with wheat scab’’.

Subsec. (b)(3)(C). Pub. L. 107–171, § 7207(d)(2)(F), inserted ‘‘wheat scab’’ after ‘‘to render’’.

Subsec. (b)(4). Pub. L. 107–171, § 7207(d)(2)(G), substituted ‘‘, triticale, and barley to wheat scab and to Karnal bunt or of’’ for ‘‘and barley to wheat scab’’.

Subsec. (b)(5). Pub. L. 107–171, § 7207(d)(2)(H), inserted ‘‘and Karnal bunt’’ after ‘‘wheat scab’’ and ‘‘, triticale,’’ after ‘‘resistant wheat’’.

Subsec. (c). Pub. L. 107–171, § 7207(d)(3), inserted ‘‘or Karnal bunt’’ after ‘‘wheat scab’’.

Subsec. (e). Pub. L. 107–171, § 7131, substituted ‘‘such sums as may be necessary’’ for ‘‘\$5,200,000’’ and ‘‘2007’’ for ‘‘2002’’.

#### § 7629. Bovine Johne’s disease control program

##### (a) Establishment

The Secretary of Agriculture, in coordination with State veterinarians and other appropriate State animal health professionals, may establish a program to conduct research, testing, and evaluation of programs for the control and management of Johne’s disease in livestock.

##### (b) Authorization of appropriations

There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for each of fiscal years 2003 through 2007.

(Pub. L. 105–185, title IV, § 409, as added Pub. L. 107–171, title VII, § 7207(e), May 13, 2002, 116 Stat. 441.)

#### § 7630. Grants for youth organizations

##### (a) In general

The Secretary, acting through the Administrator of the Cooperative State Research, Education, and Extension Service, shall make grants to the Girl Scouts of the United States of America, the Boy Scouts of America, the National 4-H Council, and the National FFA Organization to establish pilot projects to expand the programs carried out by the organizations in rural areas and small towns (including, with respect to the National 4-H Council, activities provided for in Public Law 107–19 (115 Stat. 153)).

##### (b) Funding

Of the funds of the Commodity Credit Corporation, the Secretary shall make available \$8,000,000 for fiscal year 2002, which shall remain available until expended.

##### (c) Authorization of appropriations

There is authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2003 through 2007.

(Pub. L. 105–185, title IV, § 410, as added Pub. L. 107–171, title VII, § 7412, May 13, 2002, 116 Stat. 462.)

#### REFERENCES IN TEXT

Pub. L. 107–19, referred to in subsec. (a), is Pub. L. 107–19, July 10, 2001, 115 Stat. 153, which is not classified to the Code.

#### § 7631. Agricultural biotechnology research and development for developing countries

##### (a) Eligible entity

In this section, the term ‘‘eligible entity’’ means—

(A) an institution of higher education that offers a curriculum in agriculture or the biosciences;

(B) a nonprofit organization; or

(C) a consortium of for-profit institutions and agricultural research institutions.

##### (b) Grant program

###### (1) In general

The Secretary (acting through the Foreign Agricultural Service) shall establish and administer a program to make competitive grants to eligible entities to develop agricultural biotechnology for developing countries.

###### (2) Use of funds

Funds provided to an eligible entity under this section may be used for projects that use biotechnology to—

(A) enhance the nutritional content of agricultural products that can be grown in developing countries;

(B) increase the yield and safety of agricultural products that can be grown in developing countries;

(C) increase the yield of agricultural products that are drought- and stress-resistant and that can be grown in developing countries;

(D) extend the growing range of crops that can be grown in developing countries;

(E) enhance the shelf-life of fruits and vegetables grown in developing countries;

(F) develop environmentally sustainable agricultural products that can be grown in developing countries; and

(G) develop vaccines to immunize against life-threatening illnesses and other medications that can be administered by consuming genetically-engineered agricultural products.

##### (c) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2002 through 2007.

(Pub. L. 105–185, title IV, § 411, as added Pub. L. 107–171, title VII, § 7505, May 13, 2002, 116 Stat. 466.)

#### SUBCHAPTER III—MISCELLANEOUS PROVISIONS

##### PART A—MISCELLANEOUS

#### § 7641. Patent Culture Collection fees

##### (1) Retention

All funds collected by the Agricultural Research Service of the Department of Agriculture in connection with the acceptance of microorga-

nisms for deposit in, or the distribution of microorganisms from, the Patent Culture Collection maintained and operated by the Agricultural Research Service shall be credited to the appropriation supporting the maintenance and operation of the Patent Culture Collection.

**(2) Use**

The collected funds shall be available to the Agricultural Research Service, without further appropriation or fiscal-year limitation, to carry out its responsibilities under law (including international treaties) with respect to the Patent Culture Collection.

(Pub. L. 105-185, title VI, §601(c), June 23, 1998, 112 Stat. 585.)

**§ 7642. Food Animal Residue Avoidance Database program**

**(a) Continuation of program**

The Secretary of Agriculture shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the “FARAD program”) through contracts, grants, or cooperative agreements with appropriate colleges or universities.

**(b) Activities**

In carrying out the FARAD program, the Secretary shall—

- (1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;
- (2) maintain up-to-date information concerning—

- (A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 360b(a) of title 21;

- (B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

- (C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

- (D) data on the distribution and fate of chemicals in food animals;

- (3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

- (4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

- (5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

- (6) maintain a comprehensive and up-to-date, residue avoidance database;

- (7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

- (8) engage in other activities designed to promote food safety.

**(c) Contract, grants, and cooperative agreements**

The Secretary shall offer to enter into a contract, grant, or cooperative agreement with 1 or more appropriate colleges and universities to

operate the FARAD program. The term of the contract, grant, or cooperative agreement shall be 3 years, with options to extend the term of the contract triennially.

**(d) Indirect costs**

Federal funds provided by the Secretary under a contract, grant, or cooperative agreement under this section shall be subject to reduction for indirect costs of the recipient of the funds in an amount not to exceed 19 percent of the total Federal funds provided under the contract, grant, or cooperative agreement.

(Pub. L. 105-185, title VI, §604, June 23, 1998, 112 Stat. 586.)

PART B—GENERAL

**§ 7651. Nutrient composition data**

**(a) In general**

The Secretary of Agriculture shall update, on a periodic basis, nutrient composition data.

**(b) Report**

Not later than 180 days after June 23, 1998, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

- (1) the method the Secretary will use to update nutrient composition data, including the quality assurance criteria that will be used and the method for generating the data; and
- (2) the timing for updating the data.

(Pub. L. 105-185, title VI, §611, June 23, 1998, 112 Stat. 605.)

**§ 7652. Role of Secretary regarding food and agricultural sciences research and extension**

The Secretary of Agriculture shall be the principal official in the executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences.

(Pub. L. 105-185, title VI, §613, June 23, 1998, 112 Stat. 605.)

**§ 7653. Office of Pest Management Policy**

**(a) Purpose**

The purpose of this section is to establish an Office of Pest Management Policy to provide for the effective coordination of agricultural policies and activities within the Department of Agriculture related to pesticides and of the development and use of pest management tools, while taking into account the effects of regulatory actions of other government agencies.

**(b) Establishment of Office; principal responsibilities**

The Secretary of Agriculture shall establish in the Department an Office of Pest Management Policy, which shall be responsible for—

- (1) the development and coordination of Department policy on pest management and pesticides;

- (2) the coordination of activities and services of the Department, including research, extension, and education activities, regarding

the development, availability, and use of economically and environmentally sound pest management tools and practices;

(3) assisting other agencies of the Department in fulfilling their responsibilities related to pest management or pesticides under the Food Quality Protection Act of 1996 (Public Law 104-170; 110 Stat. 1489), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), and other applicable laws; and

(4) performing such other functions as may be required by law or prescribed by the Secretary.

**(c) Interagency coordination**

In support of its responsibilities under subsection (b) of this section, the Office of Pest Management Policy shall provide leadership to ensure coordination of interagency activities with the Environmental Protection Agency, the Food and Drug Administration, and other Federal and State agencies.

**(d) Outreach**

The Office of Pest Management Policy shall consult with agricultural producers that may be affected by pest management or pesticide-related activities or actions of the Department or other agencies as necessary in carrying out the Office's responsibilities under this section.

**(e) Director**

The Office of Pest Management Policy shall be under the direction of a Director appointed by the Secretary, who shall report directly to the Secretary or a designee of the Secretary.

**(f) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2007.

(Pub. L. 105-185, title VI, §614, June 23, 1998, 112 Stat. 605; Pub. L. 107-171, title VII, §7132, May 13, 2002, 116 Stat. 435.)

REFERENCES IN TEXT

The Food Quality Protection Act of 1996, referred to in subsec. (b)(3), is Pub. L. 104-170, Aug. 3, 1996, 110 Stat. 1489. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 136 of this title and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (b)(3), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (b)(3), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

AMENDMENTS

2002—Subsec. (f). Pub. L. 107-171 substituted “2007” for “2002”.

**§ 7654. Food Safety Research Information Office**

**(a) Establishment**

The Secretary of Agriculture shall establish a Food Safety Research Information Office at the National Agricultural Library.

**(b) Purpose**

The Office shall provide to the research community and the general public information on publicly funded, and to the maximum extent practicable, privately funded food safety research initiatives for the purpose of—

(1) preventing unintended duplication of food safety research; and

(2) assisting the executive and legislative branches of the Federal Government and private research entities to assess food safety research needs and priorities.

**(c) Cooperation**

The Office shall carry out this section in cooperation with the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, public institutions, and, on a voluntary basis, private research entities.

(Pub. L. 105-185, title VI, §615, June 23, 1998, 112 Stat. 606; Pub. L. 107-171, title VII, §7301(a), (b)(1), May 13, 2002, 116 Stat. 454.)

AMENDMENTS

2002—Pub. L. 107-171 struck out “and national conference” after “Information Office” in section catchline, struck out subsec. (a) designation and heading, redesignated pars. (1) to (3) of former subsec. (a) as subsecs. (a) to (c), respectively, and subpars. (A) and (B) of former par. (2) as pars. (1) and (2) of subsec. (b), respectively, realigned margins, substituted “this section” for “this subsection” in subsec. (c), and struck out former subsecs. (b) and (c) which related to national conference and annual workshops and food safety report, respectively.

**§ 7655. Safe food handling education**

The Secretary of Agriculture shall continue to develop a national program of safe food handling education for adults and young people to reduce the risk of food-borne illness. The national program shall be suitable for adoption and implementation through State cooperative extension services and school-based education programs.

(Pub. L. 105-185, title VI, §616, June 23, 1998, 112 Stat. 606.)

**§ 7656. Designation of Crisis Management Team within Department**

**(a) Designation of Crisis Management Team**

The Secretary of Agriculture shall designate a Crisis Management Team within the Department of Agriculture, which shall be—

(1) composed of senior departmental personnel with strong subject matter expertise selected from each relevant agency of the Department; and

(2) headed by a team leader with management and communications skills.

**(b) Duties of Crisis Management Team**

The Crisis Management Team shall be responsible for the following:

(1) Developing a Department-wide crisis management plan, taking into account similar plans developed by other government agencies and other large organizations, and developing written procedures for the implementation of the crisis management plan.

(2) Conducting periodic reviews and revisions of the crisis management plan and procedures developed under paragraph (1).

(3) Ensuring compliance with crisis management procedures by personnel of the Department and ensuring that appropriate Department personnel are familiar with the crisis management plan and procedures and are encouraged to bring information regarding crises or potential crises to the attention of members of the Crisis Management Team.

(4) Coordinating the Department's information gathering and dissemination activities concerning issues managed by the Crisis Management Team.

(5) Ensuring that Department spokespersons convey accurate, timely, and scientifically sound information regarding crises or potential crises that can be easily understood by the general public.

(6) Cooperating with, and coordinating among, other Federal agencies, States, local governments, industry, and public interest groups, Department activities regarding a crisis.

**(c) Role in prioritizing certain research**

The Crisis Management Team shall cooperate with the Advisory Board in the prioritization of agricultural research conducted or funded by the Department regarding animal health, natural disasters, food safety, and other agricultural issues.

**(d) Cooperative agreements**

The Secretary shall seek to enter into cooperative agreements with other Federal departments and agencies that have related programs or activities to help ensure consistent, accurate, and coordinated dissemination of information throughout the executive branch in the event of a crisis, such as, in the case of a threat to human health from food-borne pathogens, developing a rapid and coordinated response among the Department, the Centers for Disease Control, and the Food and Drug Administration.

(Pub. L. 105-185, title VI, §618, June 23, 1998, 112 Stat. 607.)

**§ 7657. Senior Scientific Research Service**

**(a) In general**

There is established in the Department of Agriculture the Senior Scientific Research Service (referred to in this section as the "Service").

**(b) Members**

**(1) In general**

Subject to paragraphs (2) through (4), the Secretary shall appoint the members of the Service.

**(2) Qualifications**

To be eligible for appointment to the Service, an individual shall—

(A) have conducted outstanding research in the field of agriculture or forestry;

(B) have earned a doctoral level degree at an institution of higher education (as defined in section 1001 of title 20); and

(C) meet qualification standards prescribed by the Director of the Office of Personnel Management for appointment to a position at level GS-15 of the General Schedule.

**(3) Number**

Not more than 100 individuals may serve as members of the Service at any 1 time.

**(4) Other requirements**

**(A) In general**

Subject to subparagraph (B) and subsection (d)(2) of this section, the Secretary may appoint and employ a member of the Service without regard to—

(i) the provisions of title 5 governing appointments in the competitive service;

(ii) the provisions of subchapter I of chapter 35 of title 5 relating to retention preference;

(iii) the provisions of chapter 43 of title 5 relating to performance appraisal and performance actions;

(iv) the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates; and

(v) the provisions of chapter 75 of title 5 relating to adverse actions.

**(B) Exception**

A member of the Service appointed and employed by the Secretary under subparagraph (A) shall have the same right of appeal to the Merit Systems Protection Board and the same right to file a complaint with the Office of Special Counsel as an employee appointed to a position at level GS-15 of the General Schedule.

**(c) Performance appraisal system**

The Secretary shall develop a performance appraisal system for members of the Service that is designed to—

(1) provide for the systematic appraisal of the employment performance of the members; and

(2) encourage excellence in employment performance by the members.

**(d) Compensation**

**(1) In general**

Subject to paragraph (2), the Secretary shall determine the compensation of members of the Service.

**(2) Limitations**

The rate of pay for a member of the Service shall—

(A) not be less than the minimum rate payable for a position at level GS-15 of the General Schedule; and

(B) not be more than the rate payable for a position at level I of the Executive Schedule, unless the rate is approved by the President under section 5377(d)(2) of title 5.

**(e) Retirement contributions**

**(1) In general**

On the request of a member of the Service who was an employee of an institution of high-

er education (as defined in section 1001 of title 20) immediately prior to appointment as a member of the Service and who retains the right to continue to make contributions to the retirement system of the institution, the Secretary may contribute an amount not to exceed 10 percent of the basic pay of the member to the retirement system of the institution on behalf of the member.

**(2) Federal retirement system**

**(A) In general**

Subject to subparagraph (B), a member for whom a contribution is made under paragraph (1) shall not, as a result of serving as a member of the Service, be covered by, or earn service credit under, chapter 83 or 84 of title 5.

**(B) Annual leave**

Service of a member of the Service described in subparagraph (A) shall be creditable for determining years of service under section 6303(a) of title 5.

**(f) Involuntary separation**

**(1) In general**

Subject to paragraph (2) and notwithstanding the provisions of title 5 governing appointment in the competitive service, in the case of an individual who is separated from the Service involuntarily and without cause—

(A) the Secretary may appoint the individual to a position in the competitive civil service at level GS-15 of the General Schedule; and

(B) the appointment shall be a career appointment.

**(2) Excepted civil service**

In the case of an individual described in paragraph (1) who immediately prior to appointment as a member of the Service was not a career appointee in the civil service or the Senior Executive Service, the appointment of the individual under paragraph (1)—

(A) shall be to the excepted civil service; and

(B) may not exceed a period of 2 years.

(Pub. L. 105-185, title VI, § 620, as added Pub. L. 107-171, title VII, § 7219, May 13, 2002, 116 Stat. 449.)

REFERENCES IN TEXT

The General Schedule, referred to in subsecs. (b)(2)(C), (4)(A)(iv), (B), (d)(2)(A), and (f)(1)(A), is set out under section 5332 of Title 5, Government Organization and Employees.

The provisions of title 5 governing appointment in the competitive service, referred to in subsecs. (b)(4)(A)(i) and (f)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

Level I of the Executive Schedule, referred to in subsec. (d)(2)(B), is set out in section 5312 of Title 5, Government Organization and Employees.

PART C—STUDIES

**§ 7671. Evaluation and assessment of agricultural research, extension, and education programs**

**(a) Evaluation**

The Secretary of Agriculture shall conduct a performance evaluation to determine whether

federally funded agricultural research, extension, and education programs result in public goods that have national or multistate significance.

**(b) Contract**

The Secretary shall enter into a contract with 1 or more entities with expertise in research assessment and performance evaluation to provide input and recommendations to the Secretary with respect to federally funded agricultural research, extension, and education programs.

**(c) Guidelines for performance measurement**

The contractor selected under subsection (b) of this section shall develop and propose to the Secretary practical guidelines for measuring performance of federally funded agricultural research, extension, and education programs. The guidelines shall be consistent with the Government Performance and Results Act of 1993 (Public Law 103-62) and amendments made by that Act.

(Pub. L. 105-185, title VI, § 631, June 23, 1998, 112 Stat. 608.)

REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (c), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, section 306 of Title 5, Government Organization and Employees, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

**§ 7672. Study of federally funded agricultural research, extension, and education**

**(a) Study**

Not later than January 1, 1999, the Secretary of Agriculture shall request the National Academy of Sciences to conduct a study of the role and mission of federally funded agricultural research, extension, and education.

**(b) Requirements**

The study shall—

(1) evaluate the strength of science conducted by the Agricultural Research Service and the relevance of the science to national priorities;

(2) examine how the work of the Agricultural Research Service relates to the capacity of the agricultural research, extension, and education system of the United States;

(3) examine the appropriateness of the formulas for the allocation of funds under the Smith-Lever Act (7 U.S.C. 341 et seq.) and the Hatch Act of 1887 (7 U.S.C. 361a et seq.) with respect to current conditions of the agricultural economy and other factors of the various regions and States of the United States and develop recommendations to revise the formulas to more accurately reflect the current conditions; and

(4) examine the system of competitive grants for agricultural research, extension, and education.

**(c) Reports**

The Secretary shall prepare and submit to the Committee on Agriculture of the House of Rep-



representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

(1) not later than 18 months after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (1) and (2) of subsection (b) of this section, including any appropriate recommendations; and

(2) not later than 3 years after the commencement of the study, a report that describes the results of the study as it relates to paragraphs (3) and (4) of subsection (b) of this section, including the recommendations developed under paragraph (3) of subsection (b) of this section and other appropriate recommendations.

(Pub. L. 105–185, title VI, § 632, June 23, 1998, 112 Stat. 608.)

#### REFERENCES IN TEXT

The Smith-Lever Act, referred to in subsec. (b)(3), is act May 8, 1914, ch. 79, 38 Stat. 372, as amended, which is classified generally to subchapter IV (§341 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 341 of this title and Tables.

The Hatch Act of 1887, referred to in subsec. (b)(3), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, which is classified generally to sections 361a to 361i of this title. For complete classification of this act to the Code, see Short Title note set out under section 361a of this title and Tables.

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